



# Department of Justice

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District of Idaho

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## **Shoshone Dairy Farm and Its Owner Plead Guilty to Clean Water Act Violation**

BOISE – 4 Brothers Dairy, Inc. (4 Bros.) and its owner, Andrew Fitzgerald, 60, of Shoshone, Idaho, pleaded guilty to unlawful discharge of pollutant into a water of the United States, a misdemeanor violation of the Clean Water Act, announced U.S. Attorney Bart M. Davis today.

According to court records, 4 Bros. is a dairy and concentrated animal feeding operation (CAFO) operating in Shoshone with at least 1,000 head of cattle. It maintains waste-water lagoons that are adjacent to the Milner-Gooding Canal, which flows to the Malad River and on to the Snake and Columbia Rivers. In the winter season of 2017, record precipitation, record snowpack, and flooding occurred, leading to extreme runoff at the 4 Bros. property. In February 2017, during this period of flooding, 4 Bros. and Fitzgerald negligently caused discharges of manure laden water into the Milner Gooding Canal at three locations.

“My office takes very seriously the responsibility of protecting Idaho’s precious natural resources,” said U.S. Attorney Davis. “We will not hesitate to hold accountable any company or individual that pollutes United States waterways located in Idaho. This prosecution reflects what can be accomplished by working collaboratively with the EPA and our partner agencies in the State of Idaho.”

For the violation, 4 Bros., faces up to five years of probation and a fine of up to \$25,000 per day of violation. Fitzgerald faces up to one year in prison and up to one year of supervised release or up to five years of probation and a fine of up to \$25,000 per day of violation.

As part of the plea agreements, the parties have jointly recommended that 4 Bros. pay a fine of \$95,000 and that Fitzgerald pay a fine of \$35,000. In addition, 4 Bros. has agreed to submit a Notice of Intent to seek coverage under the Environmental Protection Agency’s CAFO National Pollution Discharge Elimination System permit program for Idaho.

“We are all responsible for keeping our communities safe and protecting our natural resources. 4 Brothers’ Dairy and its owner, Andrew Fitzgerald, failed in this regard when they allowed hundreds of thousands of gallons of manure to enter the Milner-Gooding Canal, a tributary to some of Idaho’s most treasured waterways,” said Scot Adair, Special Agent in Charge of EPA’s Criminal Investigation Division in the Northwest. “Today’s guilty plea demonstrates that we will hold violators accountable for breaking our environmental laws.”

Sentencing for both 4 Bros. and Fitzgerald has been set for January 14, 2021 before U.S. Magistrate Judge Candy W. Dale. The Court has taken under advisement the terms of the parties’ plea agreements.

This case was investigated by the Environmental Protection Agency, Idaho Department of Environmental Quality, Idaho Department of Agriculture, and the Lincoln County Sheriff's Office.

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